

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:)	
)	
THE LITTLE MINT, INC.)	Case No. 24-04510-5-JNC
)	
Debtor.)	Chapter 11

**AMENDED MOTION TO REJECT CERTAIN UNEXPIRED
LEASES OF NON-RESIDENTIAL REAL PROPERTY**

COMES NOW The Little Mint, Inc. (the “Debtor”), by and through its undersigned counsel, pursuant to 11 U.S.C. § 365 and files this Amended Motion to Reject Certain Unexpired Leases of Non-Residential Real Property (“Motion”), seeking entry of an order immediately rejecting certain unexpired leases as detailed herein. In support of this Amended Motion, the Debtor shows the Court the following:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. The Debtor filed a voluntary petition pursuant to Chapter 11 of the United States Bankruptcy Code on December 31, 2024. The Debtor continues in possession of its assets, operates its business, and manages its affairs as a debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.
3. The Little Mint, Inc. (the “Debtor”) is a North Carolina corporation, founded in 1991 and headquartered in Mount Olive, North Carolina, that operates a fast casual restaurant chain known as “Hwy 55 Burger Shakes & Fries”. In addition to its corporate office, the Debtor currently has 93 locations, consisting of 22 corporate-owned stores and 71 franchised stores. Prior to filing, the Debtor closed 13 corporate-owned stores. The stores are located primarily throughout

the Southeast, with operations in North Carolina, South Carolina, Georgia, Florida, Tennessee and Texas.

Request for Rejection of Unexpired Leases of Real Property

4. As part of its efforts to restructure, the Debtor closed some of its corporate-owned stores (the “Closed Corporate Stores”) and seeks to immediately reject the associated leases. In addition to the Closed Corporate Stores, the Debtor has reviewed and identified certain leases that are a burden on the Debtor and its estate and are likely to continue to drive losses for the Debtor, as well as certain leases related to restaurant locations that were previously closed, on which the Debtor may or may not have potential remaining liability.

5. The Debtor requests that the leases associated with the Closed Corporate Stores and all other leases set forth on the attached **Exhibit A** (collectively, the “Rejected Leases”), be rejected immediately, as of the date of this Motion.

6. To the extent that they were not terminated prior to the Petition Date or subject to immediate termination by receipt of this Motion, the Debtor requests that each of the Rejected Leases be deemed rejected as of the date of this Motion.

7. The Rejected Leases require the payment of base monthly rent, applicable sales taxes, and prorated common area and real estate tax expenses associated with each applicable location. The Rejected Leases remaining at the identified properties have no value or benefit to the estate.

8. The Rejected Leases are not necessary to the Debtor’s reorganization, have no value to the estate, and their rejection is in the best interests of the estate and its creditors.

9. The Debtor seeks to reject the Rejected Leases in accordance with principles of sound business judgment and the circumstances of this case. The Rejected Leases are, and will

continue to be, a burden to the Debtor's estate. There are no longer operations at some of the particular restaurants subject to the Rejected Leases, and the Debtor has no further use for those locations. The Debtor has vacated or will vacate these premises as of the Petition Date, and the Rejected Leases no longer provide any economic benefit to the Debtor's estate.

10. Additionally, the Debtor has determined, in its reasonable business judgment, that there is no net benefit that can be realized from an attempt to market and assign the Rejected Leases.

11. To the extent notice of the Debtor's intention to reject the Rejected Leases and has not been previously provided, the filing and service of this Motion shall serve as notice of the Debtor's intention to reject the Rejected Leases listed on **Exhibit A**. A proposed order is attached hereto as **Exhibit B**.

Request for Bar Date for Assertion of Claims Related to the Rejected Leases

12. In addition to the rejection of the Rejected Leases, the Debtor requests that the Court set a bar date for the assertion of any claims related to the rejection of the Rejected Leases, or arising out of or related to the subject of any of the Rejected Leases as follows:

a. Any claim arising from the rejection of any of the Rejected Leases and LEASES shall be filed within 30 days after the date of the entry of the order allowing this Motion, and if not timely filed any such claim shall be barred; and

b. Any creditor believing it is entitled to an administrative claim arising out of or related to the subject of any of the Rejected Leases shall file with the Court within 30 days after the date of the entry of the Order allowing this Motion (the "Administrative Bar Date") a Motion or Request for Allowance of Administrative Expense Claim, and if such a motion or request is not timely filed any such claim shall be barred. It shall not be

sufficient for a creditor to file a proof of claim asserting an administrative claim arising out of or related to any of the Rejected Leases without timely filing by the Administrative Bar Date of an appropriate Motion or Request for Allowance of Administrative Expense Claim. Any proofs of claim filed by a creditor asserting an administrative claim arising out of or related to any of the Rejected Leases that are filed without the creditor's timely filing by the Administrative Bar Date of an appropriate Motion or Request for Allowance of Administrative Expense Claim shall be disallowed.

c. The Debtor reserves any and all rights to object to any rejection damage claims or other claims filed by any Counterparty.

WHEREFORE, the Debtor prays for the following relief:

1. That the Court enter an order providing that, to the extent that the Rejected Leases were not terminated prior to the Petition Date or subject to immediate termination by receipt of this Amended Motion, the Rejected Leases are rejected as of the date of this Amended Motion;
2. That the Court set a bar date for the assertion of any claims related to the rejection of the Rejected Leases or arising out of or related to the subject of any of the Rejected Leases as requested herein; and
3. For such other and further relief as the Court may deem just and proper.

Dated: January 9, 2025

HENDREN, REDWINE & MALONE, PLLC

/s/ Rebecca F. Redwine

Jason L. Hendren (NC State Bar No. 26869)

Rebecca F. Redwine (NC State Bar No. 37012)

Benjamin E.F.B. Waller (NC State Bar No. 27680)

Lydia C. Stoney (NC State Bar No. 56697)

4600 Marriott Drive, Suite 150

Raleigh, NC 27612

Telephone: (919) 420-7867

Email: jhendren@hendrenmalone.com

rredwine@hendrenmalone.com

bwaller@hendrenmalone.com

lstoney@hendrenmalone.com

Counsel for the Debtor

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:

THE LITTLE MINT, INC.

Debtor.

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Case No. 24-04510-5-JNC

Chapter 11

NOTICE OF AMENDED MOTION

NOTICE IS HEREBY GIVEN of the *AMENDED MOTION TO REJECT CERTAIN UNEXPIRED LEASES OF NON-RESIDENTIAL REAL PROPERTY* ("Motion") filed simultaneously herewith in the above captioned case; and,

FURTHER NOTICE IS HEREBY GIVEN that the Motion may be allowed provided no response and request for a hearing is made by a party in interest in writing to the Clerk of this Court within **FOURTEEN (14) DAYS**; and

FURTHER NOTICE IS HEREBY GIVEN that, if a response and request for a hearing is filed by a party in interest in writing within the time indicated, a hearing will be conducted on the Motion and response thereto at a date to be determined by the United States Bankruptcy Court. Any party requesting a hearing shall appear at said hearing in support of such request or he may be assessed Court costs. If no request for a hearing is timely filed, the Court may rule on the Motion and response thereto *ex parte* without further notice.

DATED: January 9, 2025

HENDREN, REDWINE & MALONE, PLLC

/s/ Rebecca F. Redwine

Jason L. Hendren (NC State Bar No. 26869)

Rebecca F. Redwine (NC State Bar No. 37012)

Benjamin E.F.B. Waller (NC State Bar No. 27680)

Lydia C. Stoney (NC State Bar No. 56697)

4600 Marriott Drive, Suite 150

Raleigh, NC 27612

Telephone: (919) 420-7867

Facsimile: (919) 420-0475

Email: jhendren@hendrenmalone.com

rredwine@hendrenmalone.com

bwaller@hendrenmalone.com

lstoney@hendrenmalone.com

Counsel for the Debtor

EXHIBIT A

Leases to be Rejected

Exhibit A

Location	Address	Status	Landlord	Address	City	State	ZIP
Brunswick, GA	399 Canal Rd., Brunswick, GA 31525	Closed	KKSK, LLC	1103 E. Wheel Road	Bel Air	MD	21015
Fayetteville, TN	1375 Huntsville Hwy Fayetteville, TN 37334	Closed	Diane Paratore	1805 Sugarbush Dr.	Vista	CA	92084
Florence, AL	3150 Cloverdale Rd Florence, AL 35633	Closed	Hwy 55 Florence, LLC	5795 Ulmerton Road	Clearwater	FL	33760
Guntersville, AL	14400 US Hwy 431 Guntersville, AL 35976	Closed	Wyeth & Woodview, LLC	4875 East LA Palma Ave, Ste 602	Anaheim	CA	92807
Lawrenceburg, TN	2128 A. North Locust Ave. Lawrenceburg, TN 38464	Closed	Dale Byrd	9920 East Shore Drive	Willis	TX	77318
Locust, NC	124 James Avenue Locust, NC 28097	Closed	Larry Huneycutt	425 East Arrowhead Drive	Charlotte	NC	28213
Murfreesboro, TN	5131 Franklin Rd. Murfreesboro, TN 37128	Closed	Anthony Venti	2467 Vista Del Sol	La Verne	CA	91750
Muscle Shoals, AL	1320 Woodward Avenue Muscle Shoals, AL 35661	Closed	EMR Hwy 55 AL LLC	201 Wilshire Blvd., 3rd Floor	Santa Monica	CA	90401
Statesville, NC	294 Turnersburg Hwy Statesville, NC 28625	Closed	Jaycee Properties, LLC	231 E. Alessandro Blvd. #A384	Riverside	CA	92508
Waycross, GA	2102 Memorial Dr. Waycross, GA 31501	Closed	Charles Enterprises, LLC	18800 Hubbard Drive, Ste 200	Dearborn	MI	48126
Wylie, TX	2020 N. Hwy 78 Wylie, TX 75098	Closed	McGrane Living Trust	5061 Riverdo Street	Las Vegas	NV	89135
Boaz, AL	1117 Us Highway 431 Boaz, AL 35957	Closed	Empire Unlimited	10149 Channel Rd. Suite H	Lakeside	CA	92040
Zachary, LA	5353 Main Street Zachary, LA 70791	Closed	Captain D's LLC	624 Grassmere Park Dr Ste 30	Nashville	TN	37211
Denham Springs LA	2319 South Range Avenue, Denham Springs, LA 70726	Closed	Captain D's LLC	624 Grassmere Park Dr Ste 30	Nashville	TN	37211
Ennis, TX	391 North Sonoma Trail, Ennis, TX 75119	Closed	Karen Calcagno	P.O. Box 62	Soquel	CA	95072
Marion, NC	2560 Sugar Hill Road, Marion, NC 28752	Closed	TWP PCP Marion Retail, LLC	445 Bishop St NW	Atlanta	GA	30318
Corporate Home Office-Mount Olive, NC	102 Commercial Avenue, Mt. Olive NC 28365	Open	Double Dimension, LLC	1962 Howell Mill Rd. NW Suit 210	Wilmington	NC	28403
Gallatin, TN	1006 Westgate Drive, Gallatin, TN 37066	Closed	Lisa Lutz TTE, IRR Trust	141 Via Copla	Alamo	CA	94507
Live Oak, FL	1955 Ohio Ave N., Live Oak, FL	Closing	NLA Live Oak, LLC	105 Tallapossa Street, Ste 307	Montgomery	AL	36104
Athens, TX	908 East Tyler Street, Athens, TX 75751	Closed	RRL Limited Partnership	PO Box 88	Edison	CA	93220

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:)	
)	Case No. 24-04510-5-JNC
THE LITTLE MINT, INC.)	
)	Chapter 11
Debtor.)	

**ORDER ALLOWING AMENDED MOTION TO REJECT CERTAIN UNEXPIRED
LEASES OF NON-RESIDENTIAL REAL PROPERTY**

THIS MATTER comes before the Court upon the Debtor's Amended Motion to Reject Certain Executory Contracts which was filed on January 7, 2025 (the "Amended Motion"). After proper notice and an opportunity for a hearing and based on the record in this case and the evidence presented, it appears that the Amended Motion was duly served and that the relief requested therein is proper and should be granted. Accordingly, based on the Amended Motion and the record in this case, the Court makes the following findings of fact and conclusions of law:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).
2. The Debtor filed a voluntary petition pursuant to Chapter 11 of the United States Bankruptcy Code on December 31, 2024. The Debtor continues in possession of its assets, operates its business, and manages its affairs as a debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

3. The Little Mint, Inc. (the “Debtor”) is a North Carolina corporation, founded in 1991 and headquartered in Mount Olive, North Carolina, that operates a fast casual restaurant chain known as “Hwy 55 Burger Shakes & Fries”. In addition to its corporate office, the Debtor currently has 93 locations, consisting of 22 corporate-owned stores and 71 franchised stores. Prior to filing, the Debtor closed 13 corporate-owned stores. The stores are located primarily throughout the Southeast, with operations in North Carolina, South Carolina, Georgia, Florida, Tennessee and Texas.

4. As part of its efforts to restructure, the Debtor closed some of its corporate-owned stores (the “Closed Corporate Stores”) and seeks to immediately reject the associated leases. In addition to the Closed Corporate Stores, the Debtor has identified certain leases that are a burden on the Debtor and its estate and are likely to continue to drive losses for the Debtor, as well as certain leases related to restaurant locations that were previously closed, on which the Debtor may or may not have potential remaining liability.

5. Prior to the Petition Date, the Debtor entered into certain leases as set forth in **Exhibit A to the Motion**, which, if they have not already been terminated or are not subject to immediate termination, the Debtor desires to reject immediately and as of the date of this Amended Motion (collectively, the “Rejected Leases”).

6. The Rejected Leases are not necessary to the Debtor’s reorganization, have no value to the estate, and their rejection is in the best interests of the estate and its creditors.

7. It is appropriate to establish a bar date of 30 days from the entry of this Order for the assertion of any claims arising from the rejection of any of the Rejected Leases, or arising out of or related to the subject of any of the Rejected Leases.

NOW, THEREFORE, in consideration of the above findings of fact and conclusions of law, IT IS ORDERED as follows:

1. To the extent that the Rejected Leases were not terminated prior to the Petition Date or subject to immediate termination by receipt of the Amended Motion, the Rejected Leases are rejected as of the date of the Amended Motion.

2. Any claim arising from the rejection of any of the Rejected Leases shall be filed within 30 days after the date of the entry of this Order, and if not timely filed any such claim shall be barred.

3. Any creditor believing it is entitled to an administrative claim arising out of or related to the subject of any of the Contracts shall file with the Court within 30 days after the date of the entry of this Order (the “Administrative Bar Date”) a Motion or Request for Allowance of Administrative Expense Claim, and if such a motion or request is not timely filed any such claim shall be barred. It shall not be sufficient for a creditor to file a proof of claim asserting an administrative claim arising out of or related to any of the Rejected Leases without timely filing by the Administrative Bar Date of an appropriate Motion or Request for Allowance of Administrative Expense Claim. Any proofs of claim filed by a creditor asserting an administrative claim arising out of or related to any of the Contracts that are filed without the creditor’s timely filing by the Administrative Bar Date of an appropriate Motion or Request for Allowance of Administrative Expense Claim shall be disallowed.

END OF DOCUMENT

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION

IN RE:)
)
THE LITTLE MINT, INC.) Case No. 24-04510-5-JNC
) Chapter 11
Debtor.)

CERTIFICATE OF SERVICE

I, Rebecca F. Redwine, 4600 Marriott Drive, Suite 150, Raleigh, North Carolina 27612, certify:

That I am, and at all times hereinafter mentioned was, more than eighteen (18) years of age;

That on the 9th day of January, 2025, Omni Agent Solutions served copies of the Amended Motion to Reject Certain Unexpired Leases of Non-Residential Real Property on the parties listed below electronically or by depositing a copy of the same in the United States mail bearing sufficient postage.

I certify under penalty of perjury that the foregoing is true and correct.

This the 9th day of January, 2025.

HENDREN, REDWINE MALONE, PLLC

s/ Rebecca F. Redwine
Jason L. Hendren (NC State Bar No. 26869)
Rebecca F. Redwine (NC State Bar No. 37012)
Benjamin E.F.B. Waller (NC State Bar No. 27680)
Lydia C. Stoney (NC State Bar No. 56697)
4600 Marriott Drive, Suite 150
Raleigh, NC 27612
Telephone: (919) 573-1422
Facsimile: (919) 420-0475
Email: jhendren@hendrenmalone.com
rredwine@hendrenmalone.com
bwaller@hendrenmalone.com
lstoney@hendrenmalone.com
Counsel for the Debtor

Exhibit A

Landlord	Address	Address	City	State	ZIP
KKSK, LLC	399 Canal Rd., Brunswick, GA 31525	1103 E. Wheel Road	Bel Air	MD	21015
Diane Paratore	1375 Huntsville Hwy Fayetteville, TN 37334	1805 Sugarbush Dr.	Vista	CA	92084
Hwy 55 Florence, LLC	3150 Cloverdale Rd Florence, AL 35633	5795 Ulmerton Road	Clearwater	FL	33760
Wyeth & Woodview, LLC	14400 US Hwy 431 Guntersville, AL 35976	4875 East LA Palma Ave, Ste 602	Anahelm	CA	92807
Dale Byrd	2128 A. North Locust Ave. Lawrenceburg, TN 38464	9920 East Shore Drive	Willis	TX	77318
Larry Huneycutt	124 James Avenue Locust, NC 28097	425 East Arrowhead Drive	Charlotte	NC	28213
Anthony Venti	5131 Franklin Rd. Murfreesboro, TN 37128	2467 Vista Del Sol	La Verne	CA	91750
EMR Hwy 55 AL LLC	1320 Woodward Avenue Muscle Shoals, AL 35661	201 Wilshire Blvd., 3rd Floor	Santa Monica	CA	90401
Jaycee Properties, LLC	294 Turnersburg Hwy Statesville, NC 28625	231 E. Alessandro Blvd. #A384	Riverside	CA	92508
Charles Enterprises, LLC	2102 Memorial Dr. Waycross, GA 31501	18800 Hubbard Drive, Ste 200	Dearborn	MI	48126
McGrane Living Trust	2020 N. Hwy 78 Wylie, TX 75098	5061 Riverdo Street	Las Vegas	NV	89135
Empire Unlimited	1117 Us Highway 431 Boaz, AL 35957	10149 Channel Rd. Suite H	Lakeside	CA	92040
Captain D's LLC	5353 Main Street Zachary, LA 70791	624 Grassmere Park Dr Ste 30	Nashville	TN	37211
Captain D's LLC	2319 South Range Avenue, Denham Springs, LA 70726	624 Grassmere Park Dr Ste 30	Nashville	TN	37211
Karen Calcagno	391 North Sonoma Trail, Ennis, TX 75119	P.O. Box 62	Soquel	CA	95072
TWP PCP Marlon Retail, LLC	2560 Sugar Hill Road, Marion, NC 28752	445 Bishop St NW	Atlanta	GA	30318
Double Dimension, LLC	102 Commercial Avenue, Mt. Olive NC 28365	1962 Howell Mill Rd. NW Sult 210	Wilmington	NC	28403
Lisa Lutz TTE, IRR Trust	1006 Westgate Drive, Gallatin, TN 37066	141 Via Copla	Alamo	CA	94507
NLA Live Oak, LLC	1955 Ohio Ave N., Live Oak, FL	105 Tallapossa Street, Ste 307	Montgomery	AL	36104
RRL Limited Partnership	908 East Tyler Street, Athens, TX 75751	PO Box 88	Edison	CA	93220